

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 977(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 977(b). This opinion has not been certified for publication or ordered published for purposes of rule 977.

**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

THE PEOPLE,

Plaintiff and Respondent,

v.

WILLIAM LEE VINES,

Defendant and Appellant.

F045458

(Super. Ct. No. BF104859A)

OPINION

THE COURT*

APPEAL from a judgment of the Superior Court of Kern County. James M. Stuart, Judge.

John Hargreaves, under appointment by the Court of Appeal, for Defendant and Appellant.

Bill Lockyer, Attorney General, Robert R. Anderson, Chief Assistant Attorney General, Mary Jo Graves, Assistant Attorney General, and Charles A. French, Deputy Attorney General, for Plaintiff and Respondent.

-ooOoo-

* Before Harris, Acting P.J., Cornell, J., and Gomes, J.

Appellant, William Lee Vines, was found guilty after a jury trial of furnishing a controlled substance to a minor (Health & Saf. Code, § 11380, subd. (a), count six).¹ The trial court sentenced Vines to prison for the six-year midterm. The court imposed a restitution fine and granted applicable custody credits.

Vines's appointed appellate counsel has filed an opening brief which summarizes the pertinent facts, raises no issues, and requests this court to independently review the record. (*People v. Wende* (1979) 25 Cal.3d 436.) The opening brief also includes the declaration of appellate counsel indicating that Vines was advised he could file his own brief with this court. By letter on September 1, 2004, we invited Vines to submit additional briefing. To date, he has not done so.

After independent review of the record, we have concluded no reasonably arguable legal or factual argument exists.

The judgment is affirmed.

¹ The jury hung on the remaining six counts which were for sodomy with a person under age 16, sodomy by means of administering a controlled substance to the victim, two counts of oral copulation by means of administering a controlled substance to the victim, oral copulation with a person under age 16, and possession of methamphetamine for the purpose of sale. After the sentencing hearing, the People successfully moved to have these counts dismissed in the interests of justice.